

REMARKS

The Office Action dated June 16, 2004, has been carefully considered. Claims 5, 6, 8, 9, 11, 13-15 and 19 remain in this patent application. Applicant respectfully requests reexamination and reconsideration of the rejections in view of the following remarks.

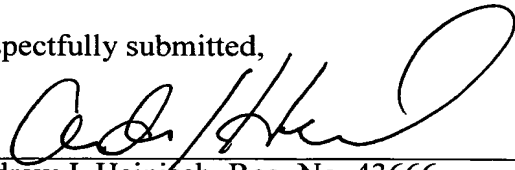
In the Office Action, the Patent Examiner withdrew the previous rejections that were advanced in view of prior claim amendments, but withdrew finality and advanced a new ground of rejection. In particular, the Patent Examiner asserted that a double patenting rejection against the claims based upon U.S. Patent No. 6,374,583 to Daelmans et al. That double patenting rejection is respectfully traversed. In particular, Daelmans et al. discloses strips of sealing coating that are only on one face of a strip of film as shown for example in FIG. 2 (note that dash lines 12 and 18 do not relate to any such coating, but relate to the article and how the packaging is intended to be twisted); see also FIG. 3a showing sealing coating only on one face of the film. In contrast, independent claims 5 and 11 recite "mutual contact exists between the inner and outer strips in the wound state on the roll" and that the strips of cold sealing coating include "an outer strip on an outer face of the film and an inner strip on the inner face of the film". In sharp contrast to these claim recitations, the cited reference only includes sealing coating on one face of the film, not both faces as is recited in the claims. Also, there is no "mutual contact" between these strips when wound on a roll. Accordingly, the obviousness type double patenting rejection cannot stand because the cited prior art fails to teach each and every limitation of the claim. Therefore, the Patent Examiner has failed to establish a prima facie case of obviousness under MPEP § 2142 which requires three criteria including that "the prior art reference (or references when combined) must teach or suggest all the claim limitations." Since the only teaching for providing cold sealing coating on both the inner and outer faces of the film and that mutual contact exists between the strips of coating in the wound state on the roll comes only from Applicant's disclosure, there can be no other conclusion but that the asserted obviousness type double patenting rejection is being made with the improper use of hindsight. Accordingly, Applicant respectfully requests the double patenting rejection to be withdrawn.

In re Appln. Of: Eddy Daelmans et al.
Application No.: 09/807,093

Conclusion

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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